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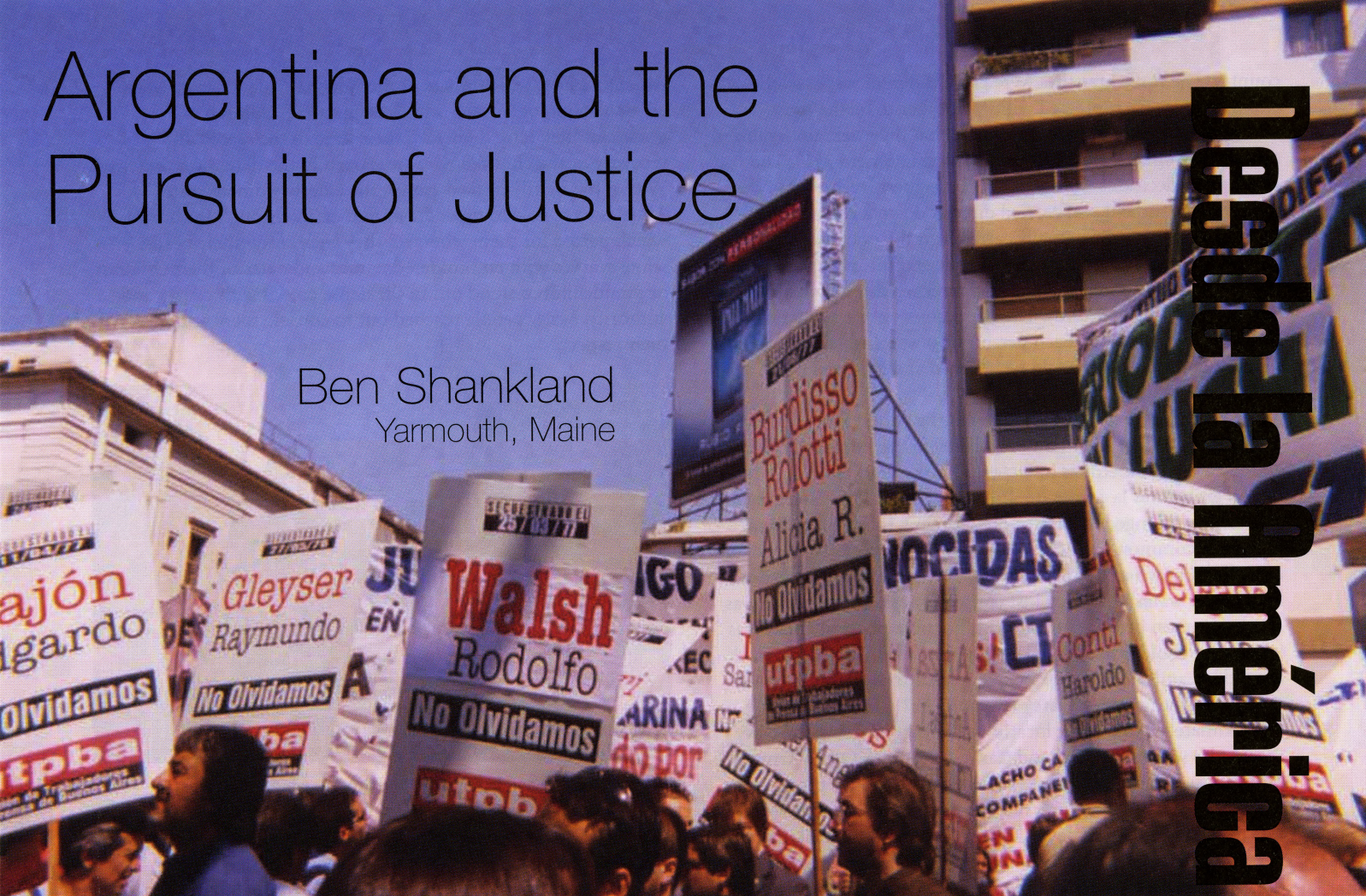
Argentina and the Pursuit of Justice

Cover Page Footnote

This article is from an earlier iteration of *Diálogo* which had the subtitle "A Bilingual Journal." The publication is now titled "Diálogo: An Interdisciplinary Studies Journal."

Argentina and the Pursuit of Justice

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Buenos Aires, Argentina, March 2004. Photo by Ben Shankland.

This project will begin with a short description of the events that took place between the years 1976 and 1983, the most recent period of military rule in Argentina. It will then look at some of the effects that this period has had on Argentine society and the different human rights groups that exist today as a result of the violations that occurred at the time of the junta. The focus of the project will be the museum, “el museo de la memoria,” which is to be installed in what was one of the biggest concentration camps during the military junta, la Escuela de Mecánica de la Armada (ESMA), a Navy mechanic school. In studying the ideas, proposals and discussions about the museum, I hope to better understand the current situation in Argentina regarding human rights violations and the effects they have had on the society. I also hope to see what can be done to bring closure to issues that have gone unresolved for nearly three decades.

The period of military rule in Argentina between the years 1976 and 1983, known as Guerra Sucia (Dirty War), marks one of the darkest periods in Argentine history—second only to the slaughter of the native Indians in the late 1800’s. The military coup that occurred on March 24, 1976, placed General Jorge Rafael Videla in the seat of president with Admiral Emilio Eduardo Massera and Air Force Brigadier Orlando Ramon Agosti in positions of great power as well (Romero 215). They would lead Argentina into the greatest human rights violations in the country’s history.

Before the military coup, Argentina was in immense political, economic and social turmoil. It is believed that the military coup occurred in order to reinstall order in what was an extremely violent and chaotic period in Argentina. The military believed that the cause of the general unrest was in society itself and the unresolved issues that it contained. The coup would turn out to be far more damaging than beneficial in terms of handling the existing violence and terror in society. The Comisión Nacional sobre la Desaparición de Personas (CONADEP), the National Commission on Disappeared People, appointed by President Raul Alfonsín in 1983, estimated that there are 8,960 cases of people who were kidnapped by the police and military (Amnesty International Right to Truth, 1). Human rights groups claim that as many as 30,000 people were taken.

From 1976 to 1983, the military had complete control of society and the population had no way of expressing itself or fighting the state. Anyone who spoke out against the state was at serious risk of being detained and quite possibly executed. Many people fled to other countries while others became involved in the state machine of surveillance. In general, people were pushed into seclusion and isolation from each other. A code of silence was forced upon the society of the time.

There were three branches of the military, or task groups, that attempted to control the political and social unrest in society. They were first implemented in Tucuman in 1975 and later throughout the rest of the

Desde la América

Nuestra

country. The three branches were given different responsibilities and in some ways competed with each other to be the most effective. However, this does not mean that they were unorganized or that they operated without supervision (Romero 216). The operational decisions were made at the highest levels within the military government and carried directly down a chain of command. Those who actually carried out the operations were usually young military officers, civilians, and off-duty police officers, although ranking military figures would participate at times as well (Romero 216). The operations were systematic and carried out by the state. Each person who was arrested was given a number and a file that would be updated and followed up thoroughly.

The first part of an operation was the abduction, which occurred usually at night, on the streets, in the homes of those abducted, and sometimes in factories or the workplace. The name of this group was *la patota* or “the gang.” The victims were then subject to prolonged torture in one of many torture locations. The most common methods of torture were the electric prod and a method known as the “submarine,” when the victim’s head was held under water until they lost consciousness. Sexual abuse was also a common practice. Along with horrible physical abuse was intense psychological abuse. The torturers would perform mock executions and the detained people were forced to watch family and friends begging for mercy (Romero 217). There were approximately 340 torture locations, the biggest being the Navy mechanics school (ESMA) and Campo de Mayo. Other Army locations were used but most were located on police property. After a review of the victim’s file, the decision to execute or not was made at the highest levels. Many of the victims are believed to have been buried in clandestine graves that they most likely dug before their executions. There were others who were sedated and loaded onto planes from which they were dumped into the ocean. A retired naval officer admits that about 1,500 to 2,000 people were executed this way after they were held at ESMA. Human rights groups believe that as many as 5,000 people passed through ESMA before the military dictatorship ended.

Twenty-eight years after the military coup, President Nestor Kirchner announced that ESMA would be turned into a museum dedicated to the people who were taken, tortured and murdered between the years of 1976 and 1983. Kirchner gave a speech at ESMA on March 24th, 2004, to an emotionally charged audience. Its members showed up hours early to show respect for those kidnapped, mourn the losses of their loved ones and protest the government’s lack of involvement in the pursuit of justice.

The atmosphere in front of ESMA was one of intensity and one that clearly expressed the Argentine people’s need for closure. There were thousands of people in front of the former concentration camp with signs, loudspeakers and cameras. There were cameramen atop trees, cars and surrounding buildings. A woman with a loudspeaker was speaking of the need to remember what happened in Argentina during the dictatorship and saying that it is an obligation of the government to acknowledge what happened. She would yell “ahora,” and the crowd would respond with a powerfully loud “siempre.” The chant, which translates to “now and always or forever,” shows the public’s unwillingness to accept the atrocities the state inflicted on its people.

The fence in front of ESMA was covered with black and white photographs of the disappeared. ESMA made an unsettling background for the thousands of photographs of people who were tortured and killed in that very building. Multiple human rights groups were there to witness this landmark event in

Argentine history. Members of the *Abuelas de la Plaza de Mayo*, an association of women with “disappeared” children or grandchildren, have dedicated their time to the search and recovery of the children who were born in the detention centers. Within the tightly packed crowd, the elderly women from *Abuelas* were able to move freely and easily through the crowd, which parted for them wherever they went. Atop their heads, white scarves with embroidered names and dates of their children or grandchildren stood out in the dense crowd with clarity and authority. Many people reached out to console them and give their respect.



Buenos Aires, Argentina, March 2004. Photo by Ben Shankland.

When the president finally arrived he was visibly shaken. The crowd roared with his presence and when he addressed the *Abuelas* at the front gate. The signing over of the building and the removal of the two photographs of the military officers who tortured those who were taken elicited an ecstatic response from the crowd. After the president’s short introductory speech, the crowd moved to the stage where the main speech would be given. The gates to the school were left open and many went in to stand on the steps and chant and sing. They were chanting something along the lines of, “we will chase you like the Nazis, we will never let you be.” Kirchner walked among the crowd to the main stage, sharing and taking part in the event with the people. The president had friends who were kidnapped as well.

Once at the stage, Kirchner introduced two members of *Hijos*, a human rights group consisting of children of those who were kidnapped, and each gave a speech. The girl had an incredible energy in her voice as she yelled of the horrible events which occurred in the concentration camp, her place of birth. She referred to it as the “*mecanica de terror*” and yelled to the crowd that the torturers must pay the price and that they can be free no longer. She announced that the people who born in the camp don’t know if they have brothers and sisters, and that they don’t know their true identities. The girl’s emotional speech had the crowd’s complete attention and interaction. The chant, “ahora y siempre,” had grown to a powerful roar. The intensity of the crowd was enough alone to convey the seriousness of the event. The energy and emotion with which the girl spoke brought many to tears. It exposed the deep-seated pain and despair that thousands of people in Argentina live with. When she spoke they were practically silent, when she asked for a response she got one of power and unison. The boy who spoke after the girl, also a member of *Hijos*, declared that he discovered that he was raised by people other than his real parents only two months prior.

There are many young people in Argentina who are in this same situation whether or not they know it yet or not.

Of the thousands who were taken, there were significant numbers of pregnant women who gave birth in the detention centers. They were not spared torture, according to former members of the junta; however, they were allowed to give birth in the centers. Their babies were given to military or police personnel after the mothers were killed (Amnesty International Right to Truth, 9). According to former prisoners, most of the births took place in ESMA and Campo de Mayo.

When the president spoke again the crowd was so excited that it was hard to hear what he was saying. They were cheering his every comment and Kirchner had to yell to be heard. He apologized for the silent stance that the government had taken in the past and he spoke of a new Argentina. He said that he wanted to change the country and bring justice to those who have been left with no closure. The crowd expressed its support of Kirchner with chanting, vigorous applause and flag waving. A number of guest musicians played and the vast majority of the crowd sang with them. Thousands were crying and appeared to be still dealing with the early stages of mourning. Despite the sadness of the atmosphere there was still a sense of hope and thankfulness that the president shared with the people. Looking at the crowd, one could sense an event was taking place that was a landmark in the history of Argentina.



President Kirchner publicly apologizes for atrocities of the past. Courtesy of *Clarín*, March 25, 2004.

It seemed that Kirchner was in some way trying to deliver Argentina's new democracy into the hands and lives of the citizens. The museum itself does not bring closure to the thousands of people who have been affected by the atrocities that occurred there. However, it does recognize that horrible decisions were made and that they will not go unnoticed. If anything, it is a first step in the exercise of justice.

Since their first year as an organized group in 1977, Abuelas have discovered the true identities of more than 50 children. They are still searching for approximately 160 more who were raised by military and police personnel (Amnesty International Right to Truth, 2). Abuelas uses genetic testing with a number of geneticists to determine the identities of those who were taken (Penchaszadeh, *Genetic Ident.* 1). A majority of the youths who were told of their true identities have returned to their legitimate families, while some have decided to stay with the families that raised them. This process has been aided by the adoption of an article by the United Nations General Assembly. The article enacted on November 20, 1989, entitled the "Convention on the

Rights of the Child," states that the child has the right "to preserve his or her identity, including nationality, name, and family relations" (Amnesty International Right to Truth, 2). The article also states that the government of the country where the identity of a person has been withheld must assist the retrieval of the identity of that person in a speedy fashion. The Argentine government is clearly not doing this to the best of its abilities.

CONADEP reports that of the thousands of victims of the state implemented-terrorism, a huge number were involved in some form of political or social activism. There were also lawyers of political prisoners, priests, intellectuals, and human rights activists detained. Many others were detained if their names appeared in someone's address book or if they were mentioned in a torture session (Romero 219). The government intended to silence all free speech and political activism and it managed to do so to an extreme degree. The different political parties were not allowed to express any voice and this was the same for all labor movements and trade unions. The media was under extreme censorship and was not permitted to mention any of the activities of the state's terrorist activities. When the military government was in its last year of power, it passed amnesty laws to protect those involved in the crimes.

The Argentine Congress approved the Full Stop Law and the Due Obedience Law in 1986 and 1987. At that time, Amnesty International expressed its concern with these laws because they were intended to provide protection for those involved in serious human rights violations (Amnesty International Full Stop and Due Obedience. 1). The laws basically stated that people who took part in the kidnappings, torture and executions of thousands of Argentines would not be prosecuted or held accountable in any way. The argument was that they were merely following orders and that they were doing the right thing to protect the Argentine state against leftist guerrilla terrorist activities. These laws were repealed in March of 1998 but the majority of officers and police guilty of violating human rights are still free today.

During Alfonsín's presidency, there was a trial in 1986 at which nine military commanders were brought to court; two years after that, five of them were sentenced to imprisonment (Amnesty International Full Stop and Due Obedience 3). After these first steps toward justice, the enactment of the Full Stop and Due Obedience laws was a major setback.

The laws that protected the criminals of the military dictatorship were in direct conflict with Argentina's responsibility to respect international law. The following is an excerpt from a report by Amnesty International:

"Argentina ratified the International Covenant on Civil and Political Rights in 1986 and the American Convention on Human Rights in 1984. Furthermore, Argentina ratified the Convention against Other Cruel, Inhuman or Degrading Treatment or Punishment in 1986, the Inter-American Convention to Prevent and Punish Torture in 1989 and the Inter-American on Forced Disappearance of Persons in 1996. It is relevant to point out that Argentina is a State party to the Vienna Convention on the Law of Treaties and that article 75 of the Argentine Constitution states that treaties are hierarchically superior to laws" (Amnesty International Full Stop and Due Obedience. 5).

The Argentine state is clearly guilty of blatant violations of these laws, yet the process of achieving justice with regard to the violations has proven to be extremely slow and difficult. By not investigating the violations, the state is not only disregarding international law, it is preventing the events of the past from

becoming history. Those events continue to affect society today because of the government's failure to resolve them and bring closure to the crimes that occurred during the junta.



Buenos Aires, Argentina, March 2004. Photo by Ben Shankland.

The impact of the Dirty War extends beyond the borders of Argentina. Other countries have concerns regarding their citizens who were "disappeared." In October of 1994, two Navy captains were up for promotion but were denied after testifying before the Argentine Senate that they had used torture as a "tool" against "subversives." In that same trial, they testified that they had participated in the abduction and execution of two French nuns, Alice Domon and Leonie Duquet. (Amnesty International Right to Truth. 2). They were denied their promotions. The French Court of Justice found Navy Captain Alfredo Astiz guilty and sentenced him to life in prison. However, the sentence does not affect him in Argentina because he is protected by the Due Obedience Law. The Italian government is also looking into the "disappearance" of more than 70 Italian citizens and 10 Italian children born in captivity. The Italian government has a list of approximately 90 military personnel who were involved in the abductions of their citizens. There has been little done by Argentine officials to help the Italian government. There are similar cases for Uruguay as well. The Argentine military has declared that the information regarding the "disappeared" has been destroyed; however, there are many who believe that the files exist and are being withheld from the public.

The group, "Madres de la Plaza de Mayo," has been involved in the fight for justice and the truth for almost 30 years. They demand the truth about their children every week in front of the presidential building and in the plaza, which is the economic center of Buenos Aires. They began their crusade in the first years of the dictatorship. To this day they walk together around the plaza every Thursday afternoon at 3:30. The Madres inspired other political women's groups in Latin America, the United States, the Middle East and Eastern Europe (Taylor 184). They made themselves extremely visible and made their voice heard in a society where political protest was almost completely erased.

Any sort of spoken resistance was cause enough for an arrest. The case that is probably most well known is known as "The Night of the Pencils," in which a group of high school students who were protesting bus fares were detained. Of the six who were taken, only one, Pablo Díaz, survived. All the other students were executed. Díaz, who was 17 at the time, witnessed the rape of another 17-year-old, María Claudia Falcone (Organization of American States Annual Report 4). The Madres

were able to stay in the public view because they remained so visible that they were virtually untouchable. It was on their way to and from the plaza or in their homes that they were in danger of being kidnapped during the junta years. The government would kidnap anyone related to someone they considered to be a threat, even if it meant taking children. A 14-year-old boy, Floreal Avellaneda, was taken on April 15, 1976, when the Army was searching for his father. His body was found a month later on the shore of Montevideo, Uruguay, with his hands and feet tied and signs of torture evident (Organization of American States Annual Report 4). There are many other teenagers that were taken. A brutal example of the military's grotesque tendencies was that of the Launce family. After the excavation of a nameless grave, the remains of four of the five members of the Launce family were found. According to CONADEP, the couple's youngest child, 6-month-old Matilde, was given to a Navy officer. The bodies of the other two children, Roberto and Bárbara, who were 6 and 4, were found with their parents. It was established that they were all executed by gunfire (Organization of American States Annual Report 4).

When asked what they thought of the museum, one of the Madres responded by stating that they disagree with the focus of museum. She said that they want a place of culture. They want a place for popular art, where singers and sculptors can do what they want. She said that they don't want a museum because a museum is quiet and in some ways dead. They want a place for life and expression, the things that their children wanted. The Madres know that most of their requests will not be granted, especially not in their lifetimes. Instead of a museum they want a library, a literary café, a cultural place or someplace for learning and expression of politics. They hope that the youths of Buenos Aires will continue the work of Madres because they are old and few in numbers. They now want to pass along the responsibility for the cause to the next generation.

The founder of Madres, Hebe De Bonafini, has become more and more radical as time passes. This has caused the Madres to split into two factions, De Bonafini's and the more moderate founding one, the Association of the Mothers of the Plaza de Mayo (B.S. Herald 3/24/04). In an interview published in Ramona, the head of the founding group, Tati Almeyda, discussed some of the issues surrounding the recognition of the "disappeared." In her opinion, the most important thing is some form of monument with all the names of all the victims. This is where the different human rights groups disagree. There are many people who were killed yet their true identities were never revealed. These people's names would be represented by the letters N.N., which stands for no name. For Almeyda, this would only cause the victims to disappear again. Her main goal is to retrieve all the first and last names of the victims so that some form of real remembrance can be achieved (Ramona, Quiero tocar. Dec. 2000/Mar. 2001).

The idea for the museum has been one of the goals of human rights organizations since the early 1980's. The proposal has changed with the passing years but the central goal has remained the same. The ESMA building needed to be removed from the hands of the government and given to the people. The process has taken almost 20 years but it has finally become a reality. The people have convinced the government of Argentina that their case was a serious one that needed to be addressed. The proposals were seriously considered in the mid-1990's and the project was approved in 2000. It was a topic discussed often in the news and to this day is still widely debated. In 2000, it was

decided that the ESMA building would no longer be used for military purposes. Since then, opponents of the idea have presented arguments that have been refuted by a much larger majority, but there is disagreement among the human rights groups about what to do with the building.

The Asociación de Ex Detenidos Desaparecidos criticized a memorial park that was built in 2001. They argued that to have a memorial park built by the same people who were involved in the kidnappings would not be an honor at all. They were also opposed to the location of the park, which is located at the edge of the city (Ramona, Parque. Dec. 2000/Mar. 2001). This type of disagreement over the memorial park is similar to the public's ambivalence over the museum. In March of 2000, the Buenos Aires newspaper *Página Doce* printed an article that included an interview with Sara Bloomfield, the director of the Holocaust Museum in Washington, D.C. There are major differences between what happened in the European concentration camps of Nazi Germany and in Argentina, but there are similarities as well. According to Bloomfield, the U.S. museum is different than the one that will be in Buenos Aires because the one in Washington is a memorial in a country that was in many ways an outsider to the war. The memorial museum in Buenos Aires is one that is a representation of the terror that was inflicted by the Argentine state itself. She said that a museum has three missions: homage, education and the creation of conscience (*Página Doce* March 7, 2000). Another main difference between the museums would be the educational function. It is obvious that the Holocaust Museum serves to educate its visitors. However, as Bloomfield states, the ESMA museum is intended to educate the citizens of Argentina about what actually happened in their country. She believes, as do many other proponents of the museum, that the ESMA building is essential as the site for the museum.



From concentration camp to memorial museum. Courtesy of *Clarín*, March 25, 2004.

In 1998, President Carlos Menem announced that the ESMA building was to be torn down and that the naval school would be moved to Puerto Belgrano. In place of ESMA, he proposed construction of a square that would have a sculpture that would represent national unity. This was met with much disapproval from many people including federal judge Ernesto Marinelli, who felt that the building needed to be kept as proof of what happened there. He said that the events that occurred in Argentina during the dictatorship cannot be silenced. Another advocate for the preservation of the building, attorney Nicolas Becerra, stated that to destroy the ESMA building would be to destroy the proof of the events that occurred within its walls. The main argument of Becerra is that the preservation of ESMA will allow the families and friends of the "disappeared" to know the

destinies of their loved ones and be able to visit the place where they lived their final minutes.

The proposal to create a museum in the building was opposed by the minister of defense at the time of Fernando De La Rúa's presidency, Ricardo Lopez Murphy. At a meeting with the Buenos Aires legislature, Murphy stated that to turn ESMA into a museum or memorial recognizing state terrorism would be contradictory to what the military forces are and how they should be viewed (*Página Doce* October 25, 2000).

In July of 2000, an article in *Página Doce* stated that the secretaries of culture and education declared that the 24th and 25th of September of every year would be dedicated to the education of teachers with regard to the military junta, so that they will better be able to inform their students about what happened in their country. The secretaries stated that the two days are intended to train the teachers on state terrorism, why, and how it happened. This initiative was a continuation of a law passed in 1996 that said it is the duty of the state to teach children in all schools in Buenos Aires about the importance of democracy and human rights.

In Buenos Aires, the senate passed a law in August of 2000 declaring that every March 24, the anniversary of the military coup, would be a day dedicated to the affirmation of democracy and to recognize the need to fight against state terrorism so that nothing like the events that followed the coup can ever happen again. This was a sign that the government was starting to get serious about recognizing the issues that the society in Argentina had been and is currently grappling with.

The Asociación de Ex Detenidos Desaparecidos published an article in 2000 criticizing the military school that was once at ESMA. The writers were clearly disgusted by the fact that what was once a place of terror and torture could still be a school. The article sarcastically asked whether the students were being taught to torture. They writers questioned the wisdom of having a school in such a place. This question is one that human rights groups and many within the general population had been asking for years.

Once the school is converted into a museum, there is some hope for those who were born in the horrible conditions of a concentration camp that the future will bring eventual closure. It will help the people whose lives were directly affected move forward with the process of mourning. When something as terrible as the events of the junta are left unresolved, the conflict within society remains unresolved as well.

Some will criticize the museum plan as a purely symbolic effort that does nothing for the process of achieving justice. However, to close a functioning government building where torture and murder once occurred and turn it into a place of remembrance is in itself a form of justice. There is some peace of mind in knowing that what was once a place of incredible unjustness is going to be one of recognition of that same injustice.

It is clear that the road to justice and closure is going to be extremely long and difficult but the events that took place on the 24th of March, 2004, are certainly another step in the right direction. It is impossible for a culture and society truly to move forward when the events of the past are nowhere near being closed. The torturers cannot continue to be free and the truth cannot continue to be withheld from those who have the right to know it. Every society in the world has or will have periods of wrongdoing and injustice but when they are unresolved, there is little room for progress. To attempt to resolve this issue completely would require the cooperation of the government and military on many levels. At this point it seems as though

complete justice is not possible. However, every effort toward closure of this chapter of Argentine history should be taken seriously and viewed in a positive light. Although various human rights groups in Argentina do not agree on the museum, it will surely serve as a place of remembrance and recognition.

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